

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

SONIA GASS,	)	Civil Action No. 5:24-cv-1660-JDA-TER
	)	
Plaintiff,	)	
	)	
-vs-	)	
	)	<b>REPORT AND RECOMMENDATION</b>
	)	
SAVE THE CHILDREN FEDERATION,	)	
INC. d/b/a Save the Children,	)	
	)	
Defendant.	)	
_____	)	

This case arises from Plaintiff's employment with Defendant. Plaintiff alleges causes of action for retaliation, national origin discrimination, and race discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. § 2000(e) et seq. Presently before the court is Defendant's Motion to Dismiss (ECF No. 6). All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. 636(b)(1)(A) and (B) and Local Rule 73.02 (B)(2)(g), DSC. This report and recommendation is entered for review by the district judge.

In its Motion to Dismiss, Defendant argued that Plaintiff failed to file a Charge of Discrimination on the issues raised in her complaint and thus, dismissal of this action was proper. See Smith v. First Union Nat'l Bank, 202 F.3d 234, 247 (4th Cir. 2000) ("Before filing suit under Title VII, a plaintiff must exhaust her administrative remedies by bringing a charge with the EEOC."). Defendant submitted the Declaration of Denise Fairconeture, Senior Employee Relations Advisor for Defendant, who states that Defendant never received a Charge of Discrimination filed by Plaintiff or notice of a Right to Sue letter. Fairconeture Decl. ¶¶ 3, 5-6 (ECF No. 6-2).

In response, Plaintiff filed her Charge of Discrimination dated May 25, 2023, (ECF No. 7-1),

a letter from the South Carolina Human Affairs Commission (SCHAC) dated October 12, 2023, (ECF No. 7-2) notifying her that her complaint was transferred to the Equal Employment Opportunity Commission (EEOC), and her Right to Sue letter dated December 5, 2023, (ECF No. 7-3). The Charge named Save the Children-US Program as the employer. The Right to Sue letter was sent to Tina Garrett-Ragland with Save the Children.

In reply, Defendant concedes that Plaintiff filed a Charge of Discrimination and received and Right to Sue letter and that its motion should be denied without prejudice.

For the reasons discussed above, it is recommended that Defendant's Motion to Dismiss (ECF No. 6) be denied.

s/Thomas E. Rogers, III

Thomas E. Rogers, III  
United States Magistrate Judge

August 19, 2024  
Florence, South Carolina

**The parties are directed to the important notice on the following page.**